

## NARRAGANSETT JUSTICE ACT

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SEPTEMBER 9, 1998.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

### REPORT

[To accompany H.R. 1983]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1983) to amend the Rhode Island Indian Claims Settlement Act to conform that Act with the judgments of the United States Federal Courts regarding the rights and sovereign status of certain Indian Tribes, including the Narragansett Tribe, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 1983 is to amend the Rhode Island Indian Claims Settlement Act to conform that Act with the judgments of the United States Federal Courts regarding the rights and sovereign status of certain Indian Tribes, including the Narragansett Tribe.

#### BACKGROUND AND NEED FOR LEGISLATION

H.R. 1983, the Narragansett Justice Act, would amend the Rhode Island Indian Claims Settlement Act so as to apply the Indian Gaming Regulatory Act (Public Law 100-497) to the Narragansett Indian Tribe of Rhode Island.

In 1978, the Narragansett Indian Tribe of Rhode Island received 1800 acres of land, commonly referred to as “settlement lands,” from the State of Rhode Island pursuant to the Rhode Island Indian Claims Settlement Act, Public Law 95-395. Section 9 of that Act provides: “Except as otherwise provided in this Act, the settle-

ment lands shall be subject to the civil and criminal laws and jurisdiction of the State of Rhode Island.”

In 1988, Congress passed the Indian Gaming Regulatory Act. Section 11 of that Act provides, in part: “An Indian tribe may engage in, or license and regulate, class II gaming on Indian lands within such tribe’s jurisdiction. \* \* \* Class III gaming activities shall be lawful on Indian lands. \* \* \* ”

In 1994, a U.S. Court of Appeals ruled that Public Law 100-497 took precedence over Public Law 95-395 and thereby allowed the Narragansett Tribe to conduct gaming which would not be subject to the laws and jurisdiction of the State so long as the Tribe complied with the Indian Gaming Regulatory Act.

In 1996, Congress passed the Omnibus Consolidated Appropriations Act (Public Law 104-208) which included an amendment to the 1978 Rhode Island Indian Claims Settlement Act. That amendment provided in part that: “For the purposes of the Indian Gaming Regulatory Act \* \* \* settlement lands shall not be treated as Indian lands.” In effect, Public Law 104-208 removed the “settlement lands” of the Narragansett Tribe from coverage by the Indian Gaming Regulatory Act. Thus, the Narragansett Tribe is precluded from conducting gaming on its lands pursuant to the Indian Gaming Regulatory Act.

H.R. 1983 would restore the Narragansett Tribe’s right to conduct gaming pursuant to the Indian Gaming Regulatory Act by amending Public Law 104-208 to read: “For the purposes of the Indian Gaming Regulatory Act \* \* \* settlement lands shall be treated as Indian lands.”

#### COMMITTEE ACTION

On May 1, 1997, the Committee on Resources held an oversight hearing on the subject of Indian gaming within the State of Rhode Island where the Narragansett Tribe, the National Congress of American Indians and the Administration testified in support of legislation which would restore the Narragansett Tribe’s right to conduct gaming pursuant to the Indian Gaming Regulatory Act. Senator John Chafee (R-RI) and officials representing the State of Rhode Island testified against the restoration of gaming rights to the Tribe. The hearing is printed as Resources Committee Hearing 105-25.

H.R. 1983 was introduced on June 19, 1997, by Congressman Patrick Kennedy (D-RI) and referred to the Committee on Resources. On June 17, 1998, the Committee met to consider H.R. 1983. No amendments were offered, and the bill was then ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 1983.

## COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 1983. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

## COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, the bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of H.R. 1983 would have no significant impact on the federal budget.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 1983.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1983 from the Director of the Congressional Budget Office.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 22, 1998.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1983, the Narragansett Justice Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kristen Layman.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

*H.R. 1983—Narragansett Justice Act*

CBO estimates that H.R. 1983 would have no significant impact on the federal budget. H.R. 1983 contains no intergovernmental or

private-sector mandates as defined in the Unfunded Mandates Reform Act.

H.R. 1983 would amend the Rhode Island Indian Claims Settlement Act (25 U.S.C. 1708 (b)) to treat Indian settlement lands, particularly the lands of the Narragansett Tribe, as Indian lands for the purposes of the Indian Gaming Regulatory Act (IGRA). Under current law, such settlement lands are not considered Indian lands; therefore, gaming on these lands pursuant to the IGRA is not permitted. H.R. 1983 would classify Indian settlement lands as Indian lands, and thus would allow gaming on them.

This bill would benefit the Narragansett tribe by allowing operations on their lands under the terms of the IGRA. The state of Rhode Island and some local governments in the state would probably face some costs, and possibly some benefits, as result of gambling on tribal lands, but CBO cannot predict exactly how the budgets of these governments would be affected. Under IGRA, the tribe must negotiate a compact with the state before it can commence gambling on tribal lands.

The CBO staff contact is Kristen Layman. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

H.R.1983 contains no unfunded mandates.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets and existing law in which no change is proposed is shown in roman):

#### **SECTION 9 OF THE RHODE ISLAND INDIAN CLAIMS SETTLEMENT ACT**

##### **SEC. 9. APPLICABILITY OF STATE LAW; TREATMENT OF SETTLEMENT LANDS UNDER THE INDIAN GAMING REGULATORY ACT.**

(a) \* \* \*

(b) TREATMENT OF SETTLEMENT LANDS UNDER THE INDIAN GAMING REGULATORY ACT.—For purposes of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), settlement lands shall [not] be treated as Indian lands.